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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/978,587	10/18/2001	Masayuki Shibata	D-1170	5211

7590 10/31/2003

KANESAKA AND TAKEUCHI  
1423 Powhatan Street  
Alexandria, VA 22314

EXAMINER
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TSAL, CAROL S W

ART UNIT	PAPER NUMBER
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2857

DATE MAILED: 10/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/978,587

Applicant(s)

SHIBATA, MASAYUKI

Examiner

Carol S Tsai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/18/2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, “means for preparing a file, said preparing means preparing a main file containing therein as one file unit measured data, identifying data for identifying a measuring device from other measuring devices, and time identifying data for identifying date-and-time when a measurement is carried out in said each measurement device, said main file being stored in the memory” must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

#### ***Specification***

3. The amendment filed 09/16/2003 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

“means for preparing a file, said preparing means preparing a main file containing therein

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as one file unit measured data, identifying data for identifying a measuring device from other measuring devices, and time identifying data for identifying date-and-time when a measurement is carried out in said each measurement device, said main file being stored in the memory”

Applicant is required to cancel the new matter in the reply to this Office Action.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

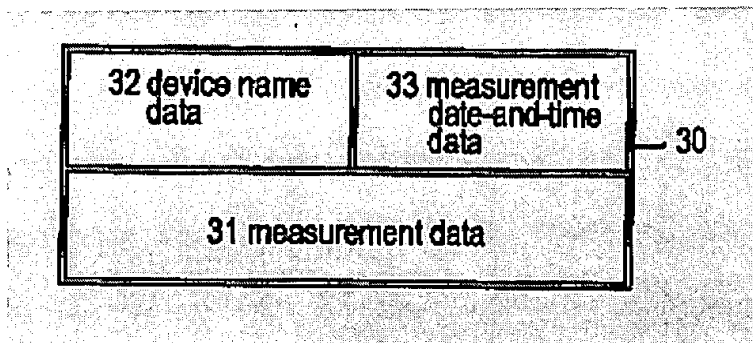
The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1-7 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In claim 1, “means for preparing a file, said preparing means preparing a main file containing therein as one file unit measured data, identifying data for identifying a measuring device from other measuring devices, and time identifying data for identifying date-and-time when a measurement is carried out in said each measurement device, said main file being stored in the memory” is not properly disclosed in the Amendment filed 09/16/2003, since Applicant’s Fig. 2(b) shown below and “As shown in FIG. 2(b), a large quantity of measurement data 31 obtained by one measurement is contained in a data file 30. At the same time, the data file 30 is provided with a storing area 32 of device-name data for specifying each LC device 1, and a

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storing area 33 of measurement date-and-time data for showing the date and time when the analysis is carried out. The device-name data and the measurement date-and-time data to be stored in the storing areas are provided in the data file 30. For example, when the file is copied, these data as well as the measurement data 31 are copied" described at pages 6 and 7, paragraph 0018 clearly indicates measurement data 31, device name data 32, and measurement date-and-time data 33 being contained in one file unit, data file 30, that is different from applicant's amended claim as described above.

**Fig. 2(b)**

Applicant is required to cancel the new matter in the reply to this Office Action.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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7. Claims 1-3, 5, and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by U. S. Patent No. 5,704,366 to Tacklind et al.

Tacklind et al. disclose a measurement data controlling device for storing and controlling measurement data in a measurement system including a plurality of measurement devices, comprising (see Fig. 1 and col. 5, lines 19-63): a memory (RAM 42 shown on Fig. 3) formed in each measurement device, and means (micro-controller 40 shown on Fig. 3) for preparing a main file having a plurality of predetermined areas for storing measured data, identifying data for identifying a measuring device from other measuring devices, and time identifying data for identifying date-and-time when a measurement is carried out in said each measurement device, said main file being stored in the memory as one file unit (see col. 6, lines 27-61).

As to claims 2 and 3, Tacklind et al. also disclose preparing means further prepares a file allocation table attached to the main file containing a file name and preparation time of the main file, to be used in operating the main file (see col. 6, lines 41-46).

As to claim 5, Tacklind et al. also disclose comprising a communication line connected to said plurality of measurement devices, and a file server connected to the communication line (see Fig. 1 and col. 5, lines 47-63).

As to claim 6, Tacklind et al. also disclose measurement device being an analyzer of a material (see col. 5, line 64 to col. 6, line 15).

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tacklind et al. in view of U. S. Patent No. 6,278,890 to Chassaing et al.

As noted above, Tacklind et al. disclose the claimed invention, except for preparing means further prepares error detection data for the measured data, identifying data and time identifying data, which are attached to the main file.

Chassaing et al. teach preparing means further prepares error detection data for the measured data, identifying data and time identifying data, which are attached to the main file (see col. 14, lines 36-41).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Tacklind et al.'s system to include preparing means further prepares error detection data for the measured data, identifying data and time identifying data, which are attached to the main file, as taught by Chassaing et al., in order that error data with time stamp can be further analyzed.

#### ***Response to Arguments***

10. Applicant's arguments filed 09/16/2003 have been fully considered but they are not persuasive.

Applicant argues that in Tacklind et al., the data record, time stamp and ID code are used, but the time stamp and ID code are used for the data base as the file allocation table, that the measured data in Tacklind et al. do not include one file unit, the identifying data and time

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identifying data. The Examiner disagrees with Applicants. In claim 1, “means for preparing a file, said preparing means preparing a main file containing therein as one file unit measured data, identifying data for identifying a measuring device from other measuring devices, and time identifying data for identifying date-and-time when a measurement is carried out in said each measurement device, said main file being stored in the memory” is not properly disclosed in the Amendment filed 09/16/2003, since Applicant’s Fig. 2(b) shown above and “As shown in FIG. 2(b), a large quantity of measurement data 31 obtained by one measurement is contained in a data file 30. At the same time, the data file 30 is provided with a storing area 32 of device-name data for specifying each LC device 1, and a storing area 33 of measurement date-and-time data for showing the date and time when the analysis is carried out. The device-name data and the measurement date-and-time data to be stored in the storing areas are provided in the data file 30. For example, when the file is copied, these data as well as the measurement data 31 are copied” described at pages 6 and 7, paragraph 0018 clearly indicate measurement data 31, device name data 32, and measurement date-and-time data 33 being contained in one file unit, data file 30, that is different from applicant’s Amended claim as described above.

Applicant argues that the data record in Tacklind et al. has its own instruction set including measurement values, time and date, but the identifying data for identifying a measuring device from other measuring devices are not included. The Examiner disagrees with applicant. “unique ID code, which is the serial number of the individual device stored within its internal circuitry, identifying the monitor module 12” described at col. 6, lines 43-45 of Tacklind et al. clearly indicates that Tacklind et al. disclose the identifying data for identifying a measuring device from other measuring devices.



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Applicant argues that in Chassaing et al., date, time and other identifications are stored in the master log, but the data are not stored as one unit in the acquired data.; and therefore, the features of the invention are not disclosed or suggested in Chassaing et al. The Examiner disagrees with Applicant. In this case, Tacklind et al. disclose the claimed invention, except for preparing error detection data for the measured data, identifying data and time identifying data, which are attached to the main file. Chassaing et al. teach preparing error detection data for the measured data, identifying data and time identifying data, which are attached to the main file. Therefore, the combination of Tacklind et al. and Chassaing et al. clearly teach the claimed invention.

### ***Conclusion***

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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***Contact Information***

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carol S. Tsai whose telephone number is (703) 305-0851. The examiner can normally be reached on Monday-Friday from 7:30 AM to 4:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc S. Hoff can be reached on (703) 308-1677. The fax number for TC 2800 is (703) 308-7382. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2800 receptionist whose telephone number is (703) 308-1782.

In order to reduce pendency and avoid potential delays, Group 2800 is encouraging FAXing of responses to Office actions directly into the Group at (703) 308-7382. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify the examiner and art unit at the top of your cover sheet. Papers submitted via FAX into Group 2800 will be promptly forwarded to the examiner.

Carol S. W. Tsai

10/28/03

  
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